

**S.R. 33** - By Sims: Extending congratulations to Mr. and Mrs. Bill Winters of San Angelo on their 50th wedding anniversary.

**S.R. 34** - By Sims: Extending congratulations to Mr. and Mrs. Gene Hancock of Midland on their 50th wedding anniversary.

**S.R. 35** - By Sims: Extending congratulations to Mr. and Mrs. Frank Trudo on their 50th wedding anniversary.

#### **ADJOURNMENT**

Pursuant to the adoption of **S.C.R. 4** and on motion of Senator Brooks, the Senate at 11:13 a.m. adjourned, in memory of the Reverend M. C. Bridges, beloved pastor of the Progressive Missionary Baptist Church of La Marque, until 11:00 a.m. Tuesday, January 22, 1991.

#### **FOURTH DAY**

(Tuesday, January 22, 1991)

The Senate met at 11:00 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brooks, Brown, Carriker, Dickson, Ellis, Glasgow, Green, Haley, Harris of Tarrant, Harris of Dallas, Henderson, Johnson, Krier, Leedom, Lucio, Lyon, Moncrief, Montford, Parker, Ratliff, Rosson, Sims, Tejada, Truan, Turner, Whitmire, Zaffirini.

A quorum was announced present.

Senate Doorkeeper Jim Morris offered the invocation as follows:

Our Heavenly Father, this morning we ask Your divine guidance upon the men and the women of the Senate as they face the challenges of this session. May they stand steady and confident in resolving the issues, aware there is a source of strength beyond their own. May statesmanship and openness prevail so that when finished and judged this will have been a day of progress and accomplishment.

May we now in our individual way pause for a moment of silence as we remember those on duty in the Persian Gulf. In our Lord's name. Amen.

On motion of Senator Brooks and by unanimous consent, the reading of the Journal of the proceedings of Thursday, January 17, 1991, was dispensed with and the Journal was approved.

#### **RESOLUTION SIGNED**

The President announced the signing in the presence of the Senate the following enrolled resolution:

#### **S.C.R. 4**

#### **CO-AUTHORS OF SENATE BILL 22**

On motion of Senator Brown and by unanimous consent, Senators Brooks and Tejada will be shown as Co-authors of **S.B. 22**.

**CO-AUTHOR OF SENATE BILL 115**

On motion of Senator Leedom and by unanimous consent, Senator Johnson will be shown as Co-author of S.B. 115.

**CO-AUTHORS OF SENATE BILL 10**

On motion of Senator Brown and by unanimous consent, Senators Bivins and Montford will be shown as Co-authors of S.B. 10.

**SENATE RESOLUTION 50**

Senator Bivins offered the following resolution:

**S.R. 50**, Commending Mechelle Graham of Spearman for capturing the title of 1990 Miss Texas Farm Bureau.

The resolution was read and was adopted by a viva voce vote.

**GUEST PRESENTED**

Senator Bivins was recognized and introduced Miss Mechelle Graham to the Senate.

The Senate extended a warm welcome to Miss Graham.

**CAPITOL PHYSICIAN**

Senator Barrientos was recognized and presented Dr. Elliot Trester of Austin as the "Doctor for the Day."

The Senate welcomed Dr. Trester and thanked him for his participation in the "Capitol Physician" program sponsored by the Texas Academy of Family Physicians.

**GUESTS PRESENTED**

Senator Barrientos was recognized and introduced Cook Elementary School Girl Scout Troop 1107 of Austin, seated in the gallery.

These young people were welcomed by the Senate.

**MESSAGE FROM THE GOVERNOR**

The following Message from the Governor was read and was filed with the Secretary of the Senate:

Austin, Texas  
January 22, 1991

TO THE SENATE OF THE SEVENTY-SECOND LEGISLATURE,  
REGULAR SESSION:

Pursuant to the provisions of Article III, Section 5 of the Constitution of the State of Texas, I herewith submit as emergency matters the following:

1. Ethics legislation and Election reform; and,
2. A constitutional amendment and legislation establishing a State lottery.

Respectfully submitted,  
/s/Ann W. Richards  
Governor of Texas

**MESSAGE FROM THE SUPREME COURT OF TEXAS**

The following Message from the Supreme Court of Texas was read and was referred to the Committee on Nominations:

**THE SUPREME COURT OF TEXAS**

January 17, 1991

TO THE SENATE OF THE SEVENTY-SECOND TEXAS LEGISLATURE,  
REGULAR SESSION:

The Supreme Court of the State of Texas has made the following appointments which require the advice and consent of the Senate:

To the Board of Directors of the State Bar of Texas:

Mrs. Jan Wilbur  
10130 Whiteside Lane  
Houston, Texas 77043

Mr. Charles O'Reilly  
5200 Seascap Lane  
Plano, Texas 75093

These appointments are made pursuant to Section 81.020(b)(4) and (c) of the Texas Government Code. Each is for a term of three years, to expire in 1993. Mr. O'Reilly was appointed from a list of five names submitted to the Court by the Governor.

The advice, consent and confirmation of the Senate is requested.

Respectfully submitted,

/s/Thomas R. Phillips  
Chief Justice

**REPORT OF STANDING COMMITTEE**

Senator Barrientos submitted the following report for the Committee on Nominations:

We, your Committee on Nominations, to which was referred the following appointment, have had same under consideration and report it back to the Senate with the recommendation that she be confirmed.

Carolyn Honea Crawford, to be CHAIRMAN OF THE STATE BOARD OF EDUCATION.

**NOMINEE CONFIRMED**

On motion of Senator Barrientos and by unanimous consent, Senate Rule 14.02 was suspended in order that the Senate might consider the nomination of Dr. Carolyn Honea Crawford, to be Chairman of the State Board of Education.

On motion of Senator Parker, Dr. Crawford was confirmed as Chairman of the State Board of Education by the following vote: Yeas 30, Nays 0.

**SENATE RESOLUTION 39**

Senator Dickson offered the following resolution:

WHEREAS, Texas State Technical Institute was created by the 59th Texas Legislature on April 13, 1965, because there was "a need for a top quality, state supported technical institute, which would offer educational programs tailored to meet the present and future needs of Texas industry"; and

WHEREAS, The men and women who created TSTI had a vision that allowed them to touch the future of Texas through education; and

WHEREAS, That vision centered on the need to develop the human potential in order to develop the economy of our great state; and

WHEREAS, That vision has become a reality evidenced by the 46,996 certificates and degrees the system has awarded to its students since the first campus of the TSTI System opened in Waco on January 11, 1966; and

WHEREAS, The vision for technical education has continued through additional TSTI campuses approved by the Texas Legislature for Harlingen in 1969 and Amarillo and Sweetwater in 1970 and extension centers approved for McAllen in 1983, Abilene in 1985, and Breckenridge in 1989; and

WHEREAS, TSTI is working in cooperation with the two-and four-year colleges of Texas to ensure that the citizens of our state have the highest quality technical education and training in the world; and

WHEREAS, The vision set forth by the Board of Regents and the administrators of TSTI is to be a "world-class collegiate leader in technical education offering Texas and all Texans unique learning opportunities designed to maximize student acquisition of knowledge, values, attitudes and skills needed for the development of a quality work force"; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 72nd Legislature, hereby commend Texas State Technical Institute for 25 years of providing innovative technical education to the citizens of the great State of Texas; and, be it further

RESOLVED, That a copy of this Resolution be prepared for TSTI as an expression of highest regard from the Texas Senate.

The resolution was read and was adopted by a viva voce vote.

#### **GUESTS PRESENTED**

Senator Dickson was recognized and introduced the following distinguished guests seated in the gallery: Ron DeSpain, President TSTI, Amarillo; Dr. Clay Johnson, President TSTI, Sweetwater; Dr. Gilbert Leal, President TSTI, Harlingen; Don Goodwin, President TSTI, Waco; Dr. James Bird, Vice-chancellor TSTI, Waco and Dr. Cecil Groves, Chancellor TSTI, Waco.

The Senate welcomed these guests.

#### **SENATE RULE 11.11 SUSPENDED**

On motion of Senator Haley and by unanimous consent, Senate Rule 11.11 was suspended in order that the Committee on Administration might meet at 3:30 p.m. instead of 4:00 p.m. today.

#### **MOTION TO ADJOURN**

On motion of Senator Brooks and by unanimous consent, the Senate at 11:25 a.m. agreed to adjourn until 11:00 a.m. tomorrow, pending completion of the first reading and referral of the bills and resolution.

#### **SENATE BILLS AND RESOLUTION ON FIRST READING**

The following bills and resolution were introduced, read first time and referred to the Committee indicated:

**S.J.R. 9** by Carriker

Finance

Proposing a constitutional amendment to exempt from ad valorem taxation the residence homestead of an elderly person according to economic need determined by net income.

**S.B. 155** by Carriker, Dickson Natural Resources  
Relating to the award of certain costs to persons affected by hazardous waste disposal well regulation.

**S.B. 156** by Harris of Tarrant Jurisprudence  
Relating to an exemption from jury service for primary caretakers of a person with Alzheimer's disease or a related disorder.

**S.B. 157** by Whitmire Criminal Justice  
Relating to the terms of the members of the board of directors of the Law Enforcement Management Institute.

**S.B. 158** by Carriker, Moncrief State Affairs  
Relating to the operation and funding, including fees and appropriations, of the Office of Public Utility Counsel.

**S.B. 159** by Carriker Economic Development  
Relating to the establishment of the rural development training consortium in the Texas Department of Commerce.

**S.B. 160** by Carriker State Affairs  
Relating to a preference for products made of recycled materials in certain purchases made by the State Purchasing and General Services Commission.

**S.B. 161** by Carriker State Affairs  
Relating to a preference for products made of recycled materials in certain purchases made by the State Purchasing and General Services Commission.

**S.B. 162** by Carriker Finance  
Relating to the exemption from ad valorem taxation of the residence homesteads of elderly persons with incomes of less than 150 percent of the federal poverty level.

**S.B. 163** by Glasgow Jurisprudence  
Relating to the liability of certain governmental units and certain governmental employees and officers.

**S.B. 164** by Armbrister Intergovernmental Relations  
Relating to the authority of a municipality to require that property owners connect their property to a sewer system.

**S.B. 165** by Armbrister Intergovernmental Relations  
Relating to the salary paid the county attorney of Fayette County; making an appropriation.

**S.B. 166** by Zaffirini, Lyon, Tejada, Criminal Justice  
Johnson, Rosson  
Relating to a prohibition on the requirement of a polygraph examination of a complainant as a condition of charging a defendant accused of certain criminal offenses.

**S.B. 167** by Zaffirini Criminal Justice  
Relating to the use or possession of a glass beverage container on or near a public river, lake, or stream; providing a criminal penalty.

**S.B. 168** by Zaffirini Intergovernmental Relations  
Relating to eligibility for beginning positions in fire or police departments.

**S.B. 169** by Zaffirini Intergovernmental Relations  
Relating to the private practice of law by the judge of the Starr County Court at Law and to the prosecutors serving that court.

- S.B. 170** by Zaffirini Intergovernmental Relations  
Relating to the creation of the County Court at Law No. 2 of Webb County.
- S.B. 171** by Carriker State Affairs  
Relating to the exclusion from coverage under the Texas Unemployment Compensation Act of delivery or cartage services performed by certain individuals within a commercial zone.
- S.B. 172** by Harris of Tarrant Intergovernmental Relations  
Relating to municipal courts of record in Arlington.
- S.B. 173** by Leedom Jurisprudence  
Relating to the liability of a social host for damages proximately caused by the intoxication of certain guests.
- S.B. 174** by Brown Criminal Justice  
Relating to the admissibility of evidence in criminal cases.
- S.B. 175** by Brown Criminal Justice  
Relating to the issuance of a driver's license to certain persons convicted of offenses under the Texas Controlled Substances Act.
- S.B. 176** by Brown Criminal Justice  
Relating to the punishment and sentencing of a defendant who uses a firearm during the commission of a felony or during immediate flight after the commission of the felony.
- S.B. 177** by Brown Criminal Justice  
Relating to the collection and preservation of evidence of a sexual assault or other sex offense.
- S.B. 178** by Brown State Affairs  
Relating to the authority of a volunteer fire department to obtain from the Department of Public Safety and local law enforcement agencies the criminal conviction record of a volunteer fire fighter.
- S.B. 179** by Rosson State Affairs  
Relating to a settlement in a contested administrative case.
- S.B. 180** by Brown State Affairs  
Relating to peace officer memorial ceremonies within the Capitol Complex.
- S.B. 181** by Brooks Health and Human Services  
Relating to the licensing of marriage and family therapists and the regulation of the practice of marriage and family therapy; providing a criminal penalty; providing an appropriation.

#### CONGRATULATORY RESOLUTIONS

- S.R. 36** - By Brown: Extending congratulations to Mr. and Mrs. Harold Lockwood Forest, Sr., on their 50th wedding anniversary.
- S.R. 37** - By Henderson: Extending congratulations to David Todd Harris of Houston for achieving the rank of Eagle Scout.
- S.R. 38** - By Carriker: Recognizing Mrs. LaVerne Darwin of Whitewright for her 18 years of loyal service as Executive Director of the Texoma Council Camp Fire, Incorporated.
- S.R. 40** - By Sims: Extending congratulations to Mr. and Mrs. Tom E. De Merville of San Angelo on their 70th wedding anniversary.

**S.R. 41** - By Sims: Extending congratulations to Mr. and Mrs. Ted Hamilton of San Angelo on their 50th wedding anniversary.

**S.R. 42** - By Sims: Extending congratulations to Russell Carmean of Midland on achieving the rank of Eagle Scout.

**S.R. 43** - By Tejada: Extending congratulations to the Huey family for their contributions to the City of San Antonio and the State of Texas.

**S.R. 44** - By Sims: Extending congratulations to Bryan Stevens on achieving the rank of Eagle Scout.

**S.R. 45** - By Sims: Extending congratulations to Brian Bagan for attaining the rank of Eagle Scout.

**S.R. 46** - By Sims: Extending congratulations to Jared Davis on achieving the rank of Eagle Scout.

**S.R. 48** - By Glasgow: Recognizing Mr. Henry Neal Williams, Sr., of Clairette on his 95th birthday.

**S.R. 49** - By Brown: Extending warm wishes to Edward Eugene Dudley III for a complete restoration to health and a return to his studies and activities at Westlake High School.

**S.R. 51** - By Bivins: Recognizing Thomas L. Graham for his loyal service as district office manager in Amarillo for Senator Teel Bivins.

**S.R. 52** - By Barrientos: Recognizing Erwin M. Dabbs for his 29 years of loyal service with the Texas Department of Human Services.

#### **ADJOURNMENT**

In accordance with a previously adopted motion, the Senate at 11:29 a.m. adjourned until 11:00 a.m. tomorrow.

#### **APPENDIX**

Filed with Secretary of State  
(January 16, 1991)

**S.C.R. 2**

**S.C.R. 3**

#### **FIFTH DAY**

(Wednesday, January 23, 1991)

The Senate met at 11:00 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brooks, Brown, Carriker, Dickson, Ellis, Glasgow, Green, Haley, Harris of Tarrant, Harris of Dallas, Henderson, Johnson, Krier, Leedom, Lucio, Lyon, Moncrief, Montford, Parker, Ratliff, Rosson, Sims, Tejada, Truan, Turner, Whitmire, Zaffirini.

A quorum was announced present.

Senate Doorkeeper Jim Morris offered the invocation as follows: